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PTO:SB.21 (06-00)

Approved for use through 10/31/2002. OMB 0651-0031

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	Filing Date	December 10, 2001	
	First Named Inventor	Mark J. Graham	
	Group Art Unit	1635	
	Examiner Name	Sean McGarry	
Total Number of Pages in This Submission	6	Attorney Docket Number	ISIS0072-100 (RTS-0341)

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Docket No.: ISIS0072-100 (RTS-0341)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Graham *et al.*

Serial No.: 10 006,430

Group Art Unit: 1635

Filed: December 10, 2001

Examiner: S. McGarry

Title: ANTISENSE MODULATION OF CD81 EXPRESSION

Express Mail Number: EV 147609962 US

Deposited: May 9, 2003

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
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Dear Sir:

RESPONSE

This paper is filed in response to the Office Action dated April 9, 2003.

REMARKS

Claims 1-10, 12-15, and 21-32 are subject to a restriction requirement. The Office Action required Applicants to "elect an antisense compound targeted to one (1) target region from claim 1 and an antisense oligonucleotide sequence from claim 3 that corresponds to the elected region of claim 1. During a teleconference with the Examiner on May 5, 2003, the Examiner affirmed that the Office Action imposed a Restriction Requirement instead of an Election of Species Requirement.

A requirement to restrict an application to one of several inventions may be made if two or more independent *and* distinct inventions are claimed in the invention (*see* 35 U.S.C. § 121). The MPEP, however, indicates that restriction is proper if the claimed inventions are "either independent *or* distinct." (*see* MPEP § 803, internal citations omitted; emphasis added). "Independent" is defined as inventions which "are not connected in design, operation, or effect . . ." (MPEP § 802.01). The term "distinct"

